

Campaign to Protect Patient Privacy Rights

March 21, 2018

VIA ELECTRONIC MAIL

Representative Greg Walden
Chairman of the U.S. House of Representatives
Energy and Commerce Committee
2185 Rayburn House Office Building
Washington, DC 20515

Representative Frank Pallone, Jr.
Ranking Member of the U.S. House of Representatives
Energy and Commerce Committee
237 Cannon House Office Building
Washington, DC 20515

RE: U.S. House of Representatives, Energy and Commerce – Subcommittee on Health: “Combating the Opioid Crisis: Prevention and Public Health Solutions;” Amendment in the Nature of a Substitute to H.R. 3545 - “Overdose Prevention and Patient Safety Act”

Dear Chairman Walden and Ranking Member Pallone:

We, the undersigned national, state, and local organizations *strongly support maintaining the core protections of the federal substance use disorder patient confidentiality law (“42 U.S.C. § 290dd-2”) and its regulations “42 CFR Part 2,”* (referred to collectively as “Part 2,”) to effectively protect the confidentiality of patients’ records. The Substance Abuse and Mental Health Service Administration (“SAMHSA”) recently twice amended the patient privacy regulations in order to facilitate the objective of providing integrative care between substance use disorder (“SUD”) and other health care information.

We remain concerned that using a weaker HIPAA Privacy Rule standard of allowing disclosures of SUD information without patient consent for treatment, payment, health care operations, or other purposes other than those currently allowed by Part 2 – will contribute to the existing level of discrimination and harm to people living with substance use disorders. This will only result in more people who need substance use disorder treatment, being discouraged and afraid to seek the health care they need during the nation’s worst opioid crisis.

We strongly support maintaining Part 2's core protections for SUD information, instead of those of a weaker HIPAA Privacy standard as described in the Amendment (in the Nature for a Substitute) for H.R. 3545 for the following reasons:

1. The heightened privacy protections in Part 2 are as critical today as they were when they were enacted more than 40 years ago and must be preserved.
2. In the midst of the worst opioid epidemic in our nation's history, we must do everything possible to increase – not decrease – the number of people who seek treatment.
3. SUD is unique among medical conditions because of its criminal and civil consequences and the rampant discrimination people face.
4. With so much at stake, patients in SUD treatment should retain the right to consent when and to whom their records are disclosed, as currently found in Part 2.
5. Effective integration of SUD treatment with the rest of the health care system is critically important, and information exchange in accordance with confidentiality law and current technology is now possible. To facilitate that process, SAMHSA recently amended the Part 2 regulations to further promote the integration of confidential SUD information into general health records.

We respectfully request that the House Energy and Commerce Committee maintain the current confidentiality protections of Part 2 to support individuals entering and staying in SUD treatment and recovery services.

Sincerely,

CAMPAIGN TO PROTECT PATIENT PRIVACY RIGHTS:

A New PATH

Addiction Haven

Addictions Resource Center, Waukesha, WI (ARC, Inc.)

Advocates for Recovery Colorado

AIDS United

Alano Club of Portland

Alcohol & Addictions Resource Center, South Bend, IN

American Association for the Treatment of Opioid Dependence (AATOD)

American Group Psychotherapy Association

Apricity
Arthur Schut Consulting LLC
Atlantic Prevention Resources
California Consortium of Addiction Programs & Professionals (CCAPP)
Capital Area Project Vox–Lansing (MI)’s Voice of Recovery
Center for Recovery and Wellness Resources
CFC Loud N Clear Foundation
Chicago Recovering Communities Coalition
Colorado Behavioral Healthcare Council
Community Catalyst
Connecticut Community for Addiction Recovery (CCAR)
Council on Addiction Recovery Services (CAREs), Inc.- Olean, NY
DarJune Recovery Support Services & Café
Davis Direction Foundation - The Zone
Daystar Center
Delphi Behavioral Health Group–Maryland House Detox
Detroit Recovery Project
The DOOR-DeKalb Open Opportunity for Recovery
Drug and Alcohol Service Providers Organization of Pennsylvania
Faces & Voices of Recovery
Faces and Voices of Recovery (FAVOR)-Grand Strand-SC
Faces and Voices of Recovery (FAVOR)-Greenville, SC
Faces and Voices of Recovery (FAVOR)-Low Country: Charleston, SC
Faces and Voices of Recovery (FAVOR)-Mississippi Recovery Advocacy Project
Faces and Voices of Recovery (FAVOR)-Pee Dee, SC
Faces and Voices of Recovery (FAVOR)-Tri-County: Rock Hill, SC
Facing Addiction
Fellowship Foundation Recovery Community Organization
Foundation for Recovery
Friends of Recovery-New York
Georgia Council on Substance Abuse

Greater Macomb Project Vox
Harm Reduction Coalition
Home of New Vision
HOPE for New Hampshire Recovery
Jackson Area Recovery Community-Jackson, MI
Latah Recovery Center
Legal Action Center
Lifehouse Recovery Connection
Long Island Recovery Association (LIRA)
Maine Alliance for Addiction Recovery
Massachusetts Organization for Addiction Recovery
Message Carriers of Pennsylvania
Mid-Michigan Recovery Services (NCADD Mid-Michigan Affiliate)
Minnesota Recovery Connection
Missouri Recovery Network
National Advocates for Pregnant Women
National Alliance for Medication Assisted Recovery (NAMA Recovery)
National Association for Children of Addiction (NACoA)
National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD)
National Association for Rural Mental Health (NARMH)
National Center on Domestic Violence, Trauma & Mental Health
National Council on Alcoholism and Drug Dependence, Inc. (NCADD)
National Council on Alcoholism and Drug Dependence-Central Mississippi Area, Inc.
National Council on Alcoholism and Drug Dependence-Maryland
National Council on Alcoholism and Drug Dependence-Phoenix
National Council on Alcoholism and Drug Dependence-San Fernando Valley
Navigating Recovery of the Lakes Region
New Jersey Association of Mental Health and Addiction Agencies
Northern Ohio Recovery Association
Oklahoma Citizen Advocates for Recovery and Transformation Association (OCARTA)

Overcoming Addiction Radio, Inc.
Parent/Professional Advocacy League
Peer Coach Academy Colorado
Pennsylvania Recovery Organizations-Alliance (PRO-A)
People Advocating Recovery (PAR)
Pennsylvania Recovery Organization–Achieving Community Together (PRO-ACT)
Portland Recovery Community Center
Public Justice Center
REAL-Michigan (Recovery, Education, Advocacy & Leadership)
Recover Project/Western MA Training
Recover Wyoming
Recovery Alliance of Austin
Recovery Allies of West Michigan
Recovery Cafe
Recovery Communities of North Carolina
Recovery Community of Durham
Recovery Consultants of Atlanta
Recovery Epicenter Foundation, Inc.
Recovery Force of Atlantic County
Recovery is Happening
Recovery Resource Council
Recovery Organization of Support Specialist
Revive Recovery, Inc.
Rhode Island Cares About Recovery (RICARES)
Rochester Community Recovery Center
ROcovery Fitness
Safe Harbor Recovery Center
SMART Recovery (Self-Management and Recovery Training)
S.O.S. Recovery Community Organization
SpiritWorks Foundation
Springs Recovery Connection

Tennessee Association of Alcohol, Drug & other Addiction Services (TAADAS)
The Bridge Foundation
The Courage Center
The McShin Foundation
The Ohana Center for Recovery
The Serenity House of Flint
The Phoenix
The RASE Project
The Recovery Channel
Tia Hart Community Recovery Program
Together Our Recovery Center Heals (T.O.R.C.H.), Inc.
Treatment Trends, Inc.
Trilogy Recovery Community
U MARC (United Mental Health and Addictions Recovery Coalition)
Utah Support Advocates for Recovery Awareness (USARA)
Vermont Recovery Network
Voices of Hope for Cecil County, MD
Voices of Hope Lexington
Voices of Recovery San Mateo County, CA
WAI-IAM, Inc. and RISE Recovery Community
Wisconsin Voices for Recovery
Young People in Recovery